REMARKS/ARGUMENTS

Applicant responds herein to the Office Action dated September 28, 2005.

The Office Action has been carefully considered. Claims 1-24 are pending in the present application with claim 1 in independent form. Claims 25-30 were previously withdrawn in the Response To Restriction Requirement filed July 18, 2005. A listing of claims indicating the present status of each of the claims has been provided for the convenience of the Examiner.

Preliminarily, please note that the amendments to claim 1 are primarily for the purpose of clarifying the claim language. For example, the "first" endoscope should be mentioned before the "second" endoscope. Entry of the amendment is requested.

Claims 1-24 have been rejected under 35 U.S.C. 102(e) as allegedly unpatentable over U.S. Patent No. 6,855,108 to Ishibiki et al.

It is respectfully submitted that claim 1 is patentable over Ishibiki et al. at least because Ishibiki et al. fails to disclose an endoscope hood including "a cylindrical attachment portion which can be attached to a distal end portion of an insertion portion of a first endoscope and which can be also attached to a distal end portion of an insertion portion of a second endoscope at a predetermined position thereon which has an outside diameter which is appropriate for the attachment, and in which the outside diameter is different from that of the distal end portion of the insertion portion of the first endoscope" in a manner whereby a protrusion in the attachment portion is so constructed that the protrusion "has an area displayed in an observation image of the second endoscope which is larger than an area displayed in an observation image of the first endoscope".

Turning to the cited reference, it is respectfully submitted that in fact, Ishibiki et al. contains no disclosure of the subject matter of claim 1 of the instant application. Ishibiki et al describes an endoscope. The hood that is mounted on an end of the insertion section of the endoscope and which includes a hood section projecting in the direction of the observation view area. At least a portion of the hood section is provided with a slope that is shaped so as to correspond to the observation area. See Ishibiki et al. abstract.

However, nowhere in the text or in the drawings of this reference can one find a disclosure or even a suggestion that the hood is designed to fit more than one endoscope, or more precisely endoscopes of different diameters. In other words, Ishibiki does not describe that the same hood is constructed to fit an endoscope other than the one it was designed to fit.

Furthermore, nowhere in this reference is there any disclosure that the hood portion described in Ishibiki et al. has a protrusion formed on the outwardly projecting section of the hood which is so constructed that when the hood is mounted on an endoscope of a first diameter the protrusion is visible in the viewing area and when the same hood is mounted on an endoscope of a different diameter the protrusion is either not seen at all in the viewing area or a smaller portion thereof is viewable, as recited in the instant claims.

Carefully reviewing the Ishibiki et al. disclosure establishes unequivocally that this reference describes two alternate embodiments of a hood. In one embodiment, the hood does not have a protruding piece that is visible. In a different embodiment a protruding portion 238 extends into the observation view area 47 of the endoscope as described at column 10, lines 3-10 of Figure 10. But the two embodiments are mutually exclusive.

The text at column 5, lines 58-63 describes that the endoscope fixing portion 39 of the cited reference is formed to have an inner diameter that is substantially the same as or slightly smaller than the outer diameter of the end portion 17. The text goes on to state "The endoscope fixing portion 39 is also formed to be deformable. Thus, the end portion 17 can be press-fitted into the endoscope fixing portion 39."

Respectfully, the above reference portion of the prior art simply fails to teach that the same hood can be fitted to endoscopes having meaningfully different outer diameter sizes. The quoted text teaches one of ordinary art to make the diameter of the endoscope fixing portion 39 "substantially the same as" or slightly smaller than the outer diameter of the end portion 17 of the endoscope, to obtained a press-fitted connection.

This text teaches nothing with respect to the alternate embodiment described at column 10 where there is a reference to a protruding portion 238, and does not teach that the protruding portion position can change based on the endoscope diameter on which the hood is fitted, in a manner that affects what the operator sees in the viewing area.

Anticipation requires exact and unambiguous disclosure of the claimed subject matter. Such teaching is entirely missing in this reference and therefore, this reference neither anticipates nor renders obvious the subject matter of the Applicant's invention.

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Accordingly, it is respectfully submitted that claim 1, and the claims depending therefrom, are patentable over the cited art for at least the reasons mentioned above.

In light of the remarks made herein, it is respectfully submitted that claims 1-24 are patentable over the cited art and are in condition for allowance.

Accordingly, the Examiner is respectfully requested to reconsider the application, allow the claims and pass this case to issue.

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on December 27, 2005

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December 27, 2005
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Respectfully submitted,

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